

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In Re: Brian J. Goodman, Sr.	Case Number 25-10233 Chapter 13
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**OBJECTION OF US BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR
VRMTG ASSET TRUST TO DEBTOR’S CHAPTER 13 PLAN**

Now comes US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust (“Secured Creditor”) and hereby files this Objection to the Debtor’s Chapter 13 Plan. As grounds for said Objection, Secured Creditor states the following:

1. Secured Creditor is the holder of a mortgage encumbering the property located at *33-35 Pinecrest Circle, Concord, NH 03301* (the “Property”), originally given by Brian J. Goodman, Sr. (a/k/a Brian J. Goodman) (the “Debtor”) to Mortgage Electronic Registration Systems, Inc., as nominee for First Magnus Financial Corporation (the “Mortgage”). The Mortgage is dated June 6, 2007 and is recorded in Merrimack County Registry of Deeds in Book 2994, Page 871. Thereafter, the Mortgage was assigned to Secured Creditor. NewRez LLC d/b/a Shellpoint Mortgage Servicing (“Shellpoint”) is the current servicer for this loan on behalf of Secured Creditor.
2. The Mortgage secures a promissory note given by the Debtor to First Magnus Financial Corporation in the original principal amount of \$231,000.00 (the “Note”). Secured Creditor and/or its custodian and/or agent is, as of the date hereof, in possession of the Note. Secured Creditor is an entity entitled to enforce the Note.
3. The Debtor’s Chapter 13 Petition was filed on April 11, 2025.
4. The deadline for filing timely Proofs of Claim in this case is June 20, 2025. Secured Creditor anticipates filing a timely Proof of Claim in this case setting forth a pre-petition arrearage of approximately \$68,052.16.
5. On or about April 28, 2025, the Debtor filed a Chapter 13 Plan [Doc. No. 21]. The Debtor’s Plan does not propose to tender any funds towards Secured Creditor’s pre-petition arrearage, but purports to provide for the maintenance of post-petition mortgage payments directly to Secured Creditor as such payments come due during the pendency of this Chapter 13 case.¹
6. The Debtor’s proposed Chapter 13 Plan does not provide for the curing of Secured Creditor’s entire pre-petition arrearage. Secured Creditor asserts that the Debtor has no basis for proposing a Plan which fails to state that its full pre-petition arrearage will be cured through the Plan. (As stated in the proposed Plan, Secured Creditor acknowledges that Fosterville Properties LLC is the owner of the Property of record by virtue of the deed recorded in Merrimack County Registry of Deeds in Book 3884, Page 2104 on March 21, 2025, but maintains that any transfer of the Property is/was subject to the Mortgage; further, the Debtor remains obligated under the Note.)

¹ Secured Creditor notes that the Plan appears to erroneously reference the Property with an address of “53-55 Pine Crest Circle, Concord, NH.”

7. As the proposed Chapter 13 Plan fails to appropriately provide for the cure of the full pre-petition arrears owed to Secured Creditor and/or the maintenance of post-petition payment obligations pursuant to the due date set forth in the Note, and per the explicit terms of the Note and Mortgage at issue, the proposed Plan violates 11 U.S.C. § 1322(b)(5).

WHEREFORE, Secured Creditor respectfully requests that the Court:

- (1) Withhold confirmation of the Debtor's Chapter 13 Plan until the Debtor files an Amended Plan which addresses this Objection; and/or
- (2) Grant such other relief as the Court deems just and proper.

Dated: April 30, 2025

Respectfully submitted,
US Bank Trust National Association, Not
In Its Individual Capacity But Solely As
Owner Trustee For VRMTG Asset Trust
By its attorney,

/s/ Marcus E. Pratt
Marcus E. Pratt, Esquire
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CERTIFICATE OF SERVICE

I, Marcus E. Pratt, Attorney for **US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust** hereby certify that on April 30, 2025 I electronically filed the foregoing *Objection to Debtor's Chapter 13 Plan* with the United States Bankruptcy Court for the District of New Hampshire using the CM/ECF System. I served the forgoing documents on the following CM/ECF participants:

Office of the U.S. Trustee
Lawrence P. Sumski, Trustee
Kathleen McKenzie, Esquire

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non-CM/ECF participants:

Brian J. Goodman, Sr.
40 Hall Street
Concord, NH 03301

/s/ Marcus E. Pratt
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